

**2001 No. 1168**

**LEGAL SERVICES COMMISSION,  
ENGLAND AND WALES**

**The Criminal Defence Service (Representation  
Order Appeals) Regulations 2001**

*Made* - - - - - *25th March 2001*

*Coming into force* - - - *2nd April 2001*

The Lord Chancellor, in exercise of the powers conferred on him by section 14 of, and paragraph 4 of Schedule 3 to, the Access to Justice Act 1999(a), makes the following Regulations, a draft of which has been laid before and approved by resolution of each House of Parliament:

**Citation and commencement**

1. These Regulations may be cited as the Criminal Defence Service (Representation Order Appeals) Regulations 2001 and shall come into force on 2nd April 2001.

**Interpretation**

2. In these Regulations:

“appropriate officer” means, in the case of the Crown Court, the court manager, and in the case of a magistrates’ court, the justices’ clerk, and, in either case, includes an officer designated by him to act on his behalf in that regard;

“the Commission” means the Legal Services Commission established under section 1 of the Access to Justice Act 1999, and includes any person exercising delegated functions on its behalf;

“the Funding Review Committee” means a committee appointed by the Commission for the purpose of considering appeals under these Regulations; and

“representation order” means a document granting a right to representation.

**Appeals against refusals of representation order**

3.—(1) A person whose application for the grant of a representation order has been refused may appeal against such refusal by way of a renewed application to the body which refused the application.

(2) Any appeal in writing shall be made on such form as is from time to time specified by the Lord Chancellor.

**Crown Court and magistrates’ court**

4.—(1) A person whose application for the grant of a representation order has been refused by the Crown Court or a magistrates’ court may make a renewed application, either orally or in writing to the same court, or in writing to the appropriate officer of that court.

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(a) 1999 c. 22.

- (2) Where a renewed application is made to the appropriate officer, he may:
- (a) grant the order; or
  - (b) refer the renewed application:
    - (i) in the Crown Court, to a judge of the court; or
    - (ii) in a magistrates' court, to the court, a District Judge (Magistrates' Court) or a single justicewho may grant the order or refuse the application.
- (3) The judge hearing the application shall give reasons for the refusal of any application.
- (4) Where the application was made in writing, the reasons for any refusal shall be given in writing.

**Court of Appeal (Criminal Division) and Registrar of Criminal Appeals**

5.—(1) A person whose application for the grant of a representation order has been refused by the Court of Appeal or the registrar of criminal appeals may make a renewed application, either orally or in writing to the court, or in writing to the registrar.

- (2) Where a renewed application is made to the registrar, he may:
- (a) grant the order; or
  - (b) refer the renewed application to:
    - (i) a judge of the court, who may grant the order; or
    - (ii) the court, which may grant the order or refuse the application.
- (3) The court shall give reasons for the refusal of any application.
- (4) Where the application was made in writing, the reasons for any refusal shall be given in writing.

**Legal Services Commission**

6.—(1) A person whose application for the grant of a representation order has been refused by the Commission may make a renewed application in writing to the Funding Review Committee, which may grant the order or refuse the application.

- (2) The Commission shall give written reasons for the refusal of any application.

**Appeals against withdrawals of representation order**

7.—(1) A person whose representation order has been withdrawn may appeal against such withdrawal on one occasion to the body which withdrew the order.

(2) Equivalent provisions to those set out in regulations 4 to 6 shall apply in respect of such appeals.

(3) Any appeal in writing shall be made on such form as is from time to time specified by the Lord Chancellor.

Signed by the authority of the Lord Chancellor

Dated 25th March 2001

*Willy Bach*  
Parliamentary Secretary,  
Lord Chancellor's Department

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make provision for appeals against all refusals of applications for, and withdrawals of, representation orders. Such appeals are to be made to the body which refused the application or withdrew the order, and are to be made by way of a renewed application.

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